

Mail Stop: PETITIONS
PATENT
3003-1183

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

David EZRA Conf. 2968

U.S. Application 10/586,361 Group 2872

Filed: July 18, 2006

DIFFRACTIVE, POLARIZATION MODULATING OPTICAL DEVICES

SUBMISSION UNDER 37 CFR §1.28(c) (2)

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 29, 2010

Sir:

Although status as a small entity was established in good faith, and the small entity issue fee was paid in good faith, it has now been discovered that through error the United States Patent and Trademark Office (USPTO) was not notified of a loss of entitlement to small entity status.

Accordingly, it is respectfully requested that the records of the USPTO be changed to reflect status as a large entity for U.S. Application 10/586,361

The Director is hereby authorized to charge counsel's Deposit Account 25-0120, the sum of \$755.00 to cover the deficiency as follows:

ITEMIZATION OF THE DEFICIENCY PAYMENT

(A) Description of Fee Erroneously Paid	(B) Small Entity Fee Actually Paid and Date	(C) Deficiency Owed Amount
Utility issue fee	\$755 01/27/2010	\$755
(D) Total Deficiency Payment Owed		\$755

In view of the accompanying submission, it is respectfully requested that the error in claiming small entity status be **excused**.

Respectfully submitted,

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BC/lhb